IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2875 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MALIK BAKAR - ALIBHAI CHUNARA - Petitioner(s)
Versus
EXECUTIVE ENGINEER - Respondent(s)

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Appearance :
MR KALPESH SHASTRI for MR DA SURANI for Petitioner(s) : 1,
MR DEEP VYAS for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 29/08/2007

ORAL JUDGMENT

1. Shri Kalpesh Shastri, learned counsel under the authority of Shri D.A. Surani, learned counsel for the petitioner; Shri Deep Vyas, learned

counsel for the respondent.

2. The petitioner, being aggrieved by the award dated 19th August, 1999, passed by the Labour Court, Surendranagar, in Reference [LCS] No. 190 of 19991, rejecting the Reference is before this Court under Article 227 of the Constitution, with a submission that rejection of the application was wrong and that the workman is required to be reinstated.

3. Shri Shastri, learned counsel for the petitioner submitted that the petitioner has been removed from the services unceremoniously without any notice or without retrenchment compensation, therefore, the Labour Court was obliged to interfere in the matter. Shri Vyas, learned counsel for the respondent, on the other hand, submitted that the petitioner cannot be treated to be a workman under the provisions of the Industrial Disputes Act, because, her case was that she was part-time Typist.

4. Undisputedly, the petitioner had gone to the Labour Court with a submission that she was engaged as part-time Gujarati Typist, she was

working with the department since October, 1985 and all of a sudden, on 20.5.87, she was terminated. If the petitioner was part-time employee, then, in the considered opinion of this Court, she would not be entitled to any relief from this Court, because, part-time worker would not achieve status of a workman.

5. The petition is dismissed. Rule is discharged. No costs. Interim relief, if any, is vacated.

[R.S. GARG, J.]

pirzada/-